

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

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Food Not Bombs Houston et al.,	)
	)
	)
Plaintiffs,	)
	) Case No. 4:24-cv-338
v.	) (Consolidated Case: No. 4:23-cv-1206)
	)
City of Houston, Texas,	)
	)
Defendant.	)
	)

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**JOINT MOTION TO WAIVE JURY TRIAL AND PROCEED WITH BENCH TRIAL**

Pursuant to Federal Rule of Civil Procedure 38(d), Plaintiffs Food Not Bombs Houston and Brandon Walsh (Case No. 4:24-cv-338), Plaintiff Phillip Picone (Case No. 4:23-cv-1206), and Defendant City of Houston (collectively, “the Parties”), waive their respective rights to a jury trial so that the trial may proceed as a bench trial.

Accordingly, the Parties respectfully request that this Court convert the trial in this case, currently set for October 14, 2025, to a bench trial.

(Signatures on following page)

Respectfully submitted,

Dated: August 29, 2025.

<p><u>/s/ Randall Hiroshige</u>          Randall Hiroshige          Texas Bar No. 24124299          Southern District No. 3708688          randy@texascivilrightsproject.org          Travis Walker Fife          Texas Bar No. 24126956          Southern District No. 3734502          travis@texascivilrightsproject.org          Christina Beeler          Texas Bar No. 24096124          Southern District No. 3695627          christinab@texascivilrightsproject.org          Molly Petchenik          Texas Bar No. 24134321          Southern District No 3854546          molly@texascivilrightsproject.org          Texas Civil Rights Project          P.O. Box 1108          Houston, TX 77251-1108          Tel: 512-474-5073</p>
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**ATTORNEYS FOR PLAINTIFFS FOOD  
NOT BOMBS HOUSTON AND  
BRANDON WALSH (4:24-cv-338)**

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**ATTORNEYS FOR PLAINTIFF  
PHILLIP PICONE (4:23-cv-1206)**

<p><u>/s/ M. Lucille Anderson</u>          M. Lucille Anderson          Senior Assistant City Attorney III          Federal ID No. 19377          Texas Bar No. 00793260          MLucille.Anderson@houstontx.gov          Kenneth S. Soh          Senior Assistant City Attorney          Federal Bar No. 19783          Texas Bar No. 00794670          Kenneth.Soh@houstontx.gov          City of Houston Legal Department          P.O. Box 368          Houston, Texas 77001-0368</p>
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**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

I certify that on August 29, 2025, a true and correct copy of this document was properly served on all counsel of record via electronic filing.

*/s/ Randall Hiroshige*  
Randall Hiroshige

**CERTIFICATE OF CONFERENCE**

I certify that on August 25 & 28, 2025, Counsel for Plaintiffs Food Not Bombs Houston and Brandon Walsh conferred with Counsel for Plaintiff Phillip Picone and Counsel for Defendant via email. Each Party supports and joins this Motion.

*/s/ Randall Hiroshige*  
Randall Hiroshige